

Chafee bill would limit the opportunities for litigation to the fundamental question of whether the rule is a major rule and whether the final rule is arbitrary and capricious, taking into account the entire rulemaking record. Unlike the Dole bill, it does not allow judicial review of the agency decisions to grant or deny petitions.

The Glenn-Chafee bill contains no special-interest fixes, which do not belong in a procedural bill like this and which should only be addressed through hearings and legislation debated within the committees of jurisdiction.

The Glenn-Chafee alternative does not impose rigid criteria of the Dole bill that agencies must apply when selecting a regulatory option, driving agencies toward the cheapest, but not necessarily the most cost-effective, alternative.

I think we can all agree that the costs and benefits of proposed rules should be considered during their development. But calculating those costs and benefits can present a great challenge.

What is the value of ensuring that our children and grandchildren do not suffer the effects of lead on their ability to reason? What is the value of ensuring that when we take our families to see the Grand Canyon, the air will be clean and we will have a clear view of that incredible vista? Given the extreme challenges in characterizing these values, does it make sense to apply such a rigid test to the rules that will effect the quality of our lives so profoundly?

The Glenn-Chafee substitute places cost-benefit analysis in proper perspective. It requires agencies to identify the costs and benefits of proposed rules, but does not elevate cost considerations above all else. The cheapest option is not always the best or the most cost-effective one.

The Glenn-Chafee bill follows an approach that I believe provides a far better representation of the goals and objectives of mainstream America with respect to regulatory reform. Apparently the Governmental Affairs Committee agrees with me.

I say that because the Glenn-Chafee is nearly identical to the bill passed unanimously by the Governmental Affairs Committee. It is moderate and sensible, and I believe it should serve as a model for reforming the regulatory process. The modifications that Senators GLENN and CHAFEE subsequently made to the Governmental Affairs-passed bill represent good, sensible improvements.

First, we have eliminated the arbitrary sunset for existing rules, that would have occurred whenever an agency failed to perform the needed review in a timely manner. Given the history of antagonism to environmental and public health and safety regulations that have been demonstrated by recent administrations, it does not make sense to provide future administrations

that might also be antagonistic to such rules with the incentive to intentionally fail to perform reviews as a back-door means of repealing existing rules and thwarting the will of Congress.

Second, the Glenn-Chafee bill eliminates the narrative definition of major rules, adding clarity to the bill, and limiting its scope so as not to overburden Federal agencies.

Finally, the Glenn-Chafee alternative incorporates technical changes to the risk assessment portions of the bill to more closely track recommendations made by the National Academy of Sciences, and to cover specific programs, not merely agencies.

These changes strengthen the bill, make it more responsible and more reasonable. If the Senate is interested in real reform and wants to pass a bill that can be signed into law then I urge my colleagues to support this substitute.

Mr. President, I know the distinguished majority leader is here. To accommodate him and allow Senators to get to the caucus, I yield the floor.

Mr. DOLE. Mr. President, I thank the Democratic leader, Senator DASCHLE. I will take just a moment. I want to review for my colleagues. I think we made some progress on the regulatory reform bill. I think everybody would like to vote for regulatory reform.

There are some limits. We cannot accommodate everyone's request. We would have a bill that many on this side and many on that side would not vote for if we tried to accommodate every request.

There will be a cloture vote immediately after the vote on the so-called Glenn-Chafee substitute. I think there will be a third cloture vote. As I set out in the schedule, hopefully we would finish this bill today, to start on Bosnia late this evening or early tomorrow morning.

There has been a cloture petition filed. There could be a third cloture vote. I have not made that final determination. Sooner or later, we have to recognize we have just about accommodated everybody we can. We have made a number of major changes in this legislation. Some are concerned that perhaps we made too many—"we," talking about the people who manage the bill and understand the bill.

We think it is a good bill. It is real regulatory reform. It is what the American people are demanding. It is what small businessmen, farmers, ranchers, everybody else is demanding. We believe it is time to come to grips with it, and move on to something else.

We have had parts of 9 days on this bill. That seems to be a standard on the Senate side. Everything takes 9 days. Maybe this will take 10 days. I do not know that the end is in sight. I alert my colleagues, if you are for regulatory reform, vote for cloture; if you are opposed to regulation reform, vote no, as you did yesterday.

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAMS].

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1581

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1581.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the GLENN amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—48

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Chafee	Kennedy	Robb
Cohen	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Snowe
Dorgan	Leahy	Specter
Exon	Levin	Wellstone

NAYS—52

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Packwood
Brown	Hatch	Pressler
Burns	Hatfield	Roth
Campbell	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	
Frist	Mack	

So the amendment (No. 1581) was rejected.

Mr. DOLE. I move to reconsider the vote by which the motion was rejected.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.